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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 DAVID CARLTON BROWN,

12 Petitioner,

13 vs.

14 M.E. POULOS, Warden, et al.,

15 Respondents.
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CASE NO. 08 CV 17 JM (NLS)

**ORDER ADOPTING REPORT
AND RECOMMENDATION;
DENYING MOTIONS FOR
RECONSIDERATION AND
APPOINTMENT OF COUNSEL**

Doc. No. 39

17 On November 24, 2009, Magistrate Judge Nita L. Stormes entered a Report and
18 Recommendation. (Doc. No. 39). The Report and Recommendation, expressly incorporated herein,
19 thoroughly and thoughtfully analyzed Petitioner's claims and recommended that Petitioner's petition
20 for writ of habeas corpus (Doc. No. 1) be denied. Petitioner filed objections to the Report and
21 Recommendation. (Doc. No. 40). Pursuant to Local Rule 7.1(d)(1), this matter is appropriate for
22 decision without oral argument.


23 In his objections, Petitioner sets forth essentially the same arguments raised in his original
24 petition. As the Report and Recommendation fully and properly responds to these arguments, the
25 court hereby adopts the Report and Recommendation in its entirety. Petitioner's petition for writ of
26 habeas corpus is DENIED.

27 In his objections to the Report and Recommendation, Petitioner requests reconsideration of
28 the writ of habeas corpus and appointment of counsel. As the court denies the petition, these requests

1 are moot. Therefore, the court hereby DENIES Petitioner's request for reconsideration and for
2 appointment of counsel.

3 **IT IS SO ORDERED.**

4 DATED: February 12, 2010

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6 Hon. Jeffrey T. Miller
7 United States District Judge
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